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12 SHENZEN SAMSUNG SDI CO., LTD. and  
TIANJIN SAMSUNG SDI CO., LTD.  
13

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 In re: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

19  
20 This Document Relates to:

21 *Sharp Electronics Corp. et al. v. Hitachi Ltd., et*  
22 *al.*, Case No. 13-cv-1173 SC

**DECLARATION OF TYLER M.  
CUNNINGHAM IN SUPPORT OF  
SHARP'S ADMINISTRATIVE MOTION  
TO SEAL DOCUMENTS PURSUANT  
TO CIVIL LOCAL RULES 7-11 AND 79-  
5(d)**

[Samsung SDI defendants]

1 I, TYLER M. CUNNINGHAM, declare as follows:

2 1. I am a member of the bar of the State of California and an associate with  
3 Sheppard, Mullin, Richter & Hampton LLP, counsel of record for defendants Samsung SDI  
4 America, Inc., Samsung SDI Co., Ltd., Samsung SDI (Malaysia) Sdn. Bhd., Samsung SDI Mexico  
5 S.A. De C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co., Ltd., and Tianjin Samsung  
6 SDI Co., Ltd. (collectively "SDI") in these actions. I make this declaration in support of  
7 Plaintiffs' Sharp Electronics Corp. and Sharp Electronics Manufacturing Company of America,  
8 Inc. (collectively "Sharp") Administrative Motion to Seal portions of Plaintiffs' Opposition to  
9 Thomson S.A.'s Motion to Dismiss Sharp's First Amended Complaint pursuant to Civil Local  
10 Rules 7-11 and 79-5(d) (Dkt. No. 2289) (the "Motion to Seal"). Except for those matters stated on  
11 information and belief, about which I am informed and which I believe to be true, I have personal  
12 knowledge of the matters set forth herein, and could and would testify competently to each of  
13 them.

14 2. SDI has disclosed or produced to the parties in this action certain  
15 documents and information designated as either "Confidential" or "Highly Confidential" pursuant  
16 to the Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306) (the "Protective  
17 Order").

18 3. On December 23, 2013, Sharp filed the Motion to Seal, and lodged  
19 conditionally under seal Plaintiffs' Opposition to Thomson S.A.'s Motion to Dismiss Sharp's First  
20 Amended Complaint (the "Opposition"). I have reviewed the portions of Sharp's Opposition  
21 sought to be maintained under seal, the Declaration of Craig A. Benson in Support of Sharp's  
22 Opposition to Thomson S.A.'s Motion to Dismiss Sharp's Amended Complaint ("Benson  
23 Declaration"), and the exhibit thereto.

24 4. Pursuant to Civil Local Rules 7-11 and 79-5(e), this Court's General Order  
25 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Protective  
26 Order, I make this declaration on behalf of SDI to provide the Court with a basis to maintain under  
27 seal certain documents and information quoted from, described, or otherwise summarized in  
28

1 Sharp's Opposition that have been designated by SDI as "Confidential" or "Highly Confidential."

2           5. Sharp's Opposition references or directly quotes from (1) portions of its  
3 First Amended Complaint in this matter (Dkt. No. 2030-4) and (2) exhibits that SDI has  
4 designated as "Confidential" or "Highly Confidential" under the terms of the Stipulated Protective  
5 Order. All documents and information sought to be sealed by Sharp's present Administrative  
6 Motion have previously been subject to administrative motions to file under seal in this case, and  
7 the Court has granted such motions. *See* Order Regarding Administrative Motion to Seal Portions  
8 of Plaintiffs' First Amended Complaint (Dkt. No. 2211); Order Granting Sharp Plaintiffs'  
9 Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) (Dkt.  
10 No. 1852).

11           6. Specifically, upon information and belief, the following portions of Sharp's  
12 Opposition quote from, describe or otherwise summarize documents or information that SDI has  
13 designated as "Confidential" or "Highly Confidential:" page 2, lines 10-22; page 5, lines 10-24  
14 and lines 27-28; page 6, lines 21-24; page 10, lines 8-9; and page 13, lines 1-9.

15           7. The documents or information quoted from, described, or otherwise  
16 summarized in Sharp's Opposition consist of, cite to, or identify confidential, nonpublic,  
17 proprietary and highly sensitive business information about SDI's market analyses, business  
18 practices, internal practices and/or competitive positions. I am informed and believe that this is  
19 sensitive information, and public disclosure of this information presents a risk of undermining  
20 SDI's business relationships, would cause it harm with respect to its competitors and customers,  
21 and would put SDI at a competitive disadvantage.

22           8. Sharp's Opposition appears to quote from, describe or otherwise summarize  
23 several "Highly Confidential" documents produced by SDI that the Court has previously sealed.  
24 For example, upon information and belief, Sharp's Opposition quotes from, describes or otherwise  
25 summarizes the following "Highly Confidential" documents produced by SDI: SDCRT-0088604  
26 to 28; SDCRT-0002526 to 28; SDCRT-0002526E to 28E; SDCRT-0002585 to 87; and SDCRT-  
27 0002585E to 87E. These documents are internal reports that contain, cite and/or refer to  
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